

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-20 were pending in the application, of which Claims 1, 9, and 16 are independent. In the Office Action dated March 2, 2005, Claims 16-20 were rejected under 35 U.S.C. § 112, Claims 1-4 and 7-18 were rejected under 35 U.S.C. § 102(b), and Claims 5-6 and 19-20 were objected to, but were deemed allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Following this response, Claims 1-20 remain in this application. Applicants hereby address the Examiner's rejections in turn.

I. Change to Attorney Docket Number

Please note that the Attorney Docket Number for this application is
60046.0023USU1

II. Rejection of the Claims Under 35 U.S.C. § 112, Second Paragraph

In the Office Action dated March 2, 2005, the Examiner rejected Claims 16-20 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. Claim 16 has been amended, and Applicants respectfully submit that the amendment overcomes this rejection and adds no new matter.

III. Rejection of the Claims Under 35 U.S.C. § 102(b)

In the Office Action, the Examiner rejected Claims 1-4 and 7-18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,189,114 ("Orr").

Applicants respectfully traverse this rejection.

Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "retrieving the one or more diagnostics modules from a remote server computer." Independent Claims 9 and 16 each include a similar recitation.

In contrast, *Orr* at least does not disclose the aforementioned recitation. For example, *Orr* discloses a file server system 40 connected to a control computer 10. (See col. 4, lines 38-39.) A system flash ROM 50 on server 40 includes a diagnostic program 64 that performs diagnostic testing of server system 40. (See col. 5, lines 14-24.) Furthermore, *Orr* discloses a means to allow control computer 10 to define which diagnostic modules are to be executed during testing on server 40. In response to a set-up command from a remote computer (i.e. control computer 10) specifying which module or modules on server 40 are to be executed, a run list is defined. (See col. 3, lines 13-18.) In *Orr*, the diagnostics modules are not received from a remote server computer, rather the diagnostics modules have been previously stored and thus are already on the computer system to be tested. *Orr* merely transmits a run list that designates which diagnostics modules (previously stored on server 40) are to be run on server 40.

In sum, *Orr* does not anticipate the claimed invention because *Orr* at least does not disclose "retrieving the one or more diagnostics modules from a remote server computer", as recited by Claim 1. Independent Claims 9 and 16 each include a similar recitation. Accordingly, independent Claims 1, 9, and 16 each patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 1, 9, and 16.

Dependent Claims 2-4, 7-8, 10-15, and 17-18 are also allowable at least for the reasons described above regarding independent Claims 1, 9, and 16, and by virtue of their respective dependencies upon independent Claims 1, 9, and 16. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2-4, 7-8, 10-15, and 17-18. Moreover, Applicants respectfully request withdrawal of the objection to dependent Claims 5-6 and 19-20 at least for the reasons described above regarding independent Claims 1 and 16, and by virtue of their dependency upon independent Claims 1 and 16.

IV. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the

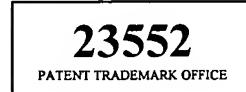
Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

By: 
D. Kent Stier
Reg. No. 50,640

Merchant & Gould
P.O. Box 2903
Minneapolis, Minnesota 55402-9946
Telephone: 404.954.5066



DKS:mdp